

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LAVERNE WARE, and
CATHERINE PANCZYKOWSKI,

Plaintiffs,

v.

ORDER
08-CV-720A

CITY OF LACKAWANNA,
NORMAN L. POLANSKI, JR., Mayor of
City of Lackawanna, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 29, 2009, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendants' motion to dismiss the complaint as against defendants Polanski, Love, Jaworski, Szymanski, Kulczyk, Schiavi, and Petricca be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants' motion to dismiss the complaint as against defendants Polanski, Love, Jaworski, Szymanski, Kulczyk, Schiavi, and Petricca is granted.

The case is referred back to Magistrate Judge Foschio for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: October 21, 2009